

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
July 30, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Dianne Orcutt, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.
Joshua K. Ivie, Supervising Deputy Clerk
Diane Garcia, Utah County Assessor's Office
Clarissa Reeve, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Bryce Armstrong, Community Development
Brandon Larsen, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Mason Liu, Utah County Health Department
Robert Johnson, Drug&Alcohol Prevention&Treatment

Debra Pritchett, Utah County Commission Office
Julie Rollins, Utah County Purchasing Agent
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office
Richard Nielson, Utah County Public Works Director
Andrea Allen, Utah County Recorder's Office
Robyn Jacob, Utah County Recorder's Office
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Jerad Jarvis, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Cary McConnell, Utah County Treasurer's Office
Chad Booth, *County Seat TV*
Robyn Walden, Eagle Mountain Property Owner
Matt Bake, -No further information given-
Rich Lucas, -No further information given-
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Steve Mickelson, Utah County Health Department Nursing Director
PLEDGE OF ALLEGIANCE: Lana Jensen, Utah County Personnel Director

CONSENT AGENDA

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MEL HUDMAN FOR REIMBURSEMENT OF PERSONAL EXPENSES INCURRED WHILE PROVIDING VOLUNTARY SERVICES OF SECRETARY/BUDGET OFFICER FOR THE 2013 UTAH COUNTY FAIR**
2. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
3. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR TAX YEAR 2002, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

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4. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE
5. APPROVE REIMBURSEMENT TO THE UTAH STATE TAX COMMISSION FOR UNCOLLECTIBLE MOTOR VEHICLE CHECKS SPECIFIED BY INVOICE NO. 13-877, DATED JULY 23, 2013
6. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20287, DATED JULY 23, 2013

7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-12
Commissioner Ellertson requested that Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

8. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM

9. APPROVE THE MINUTES OF THE JULY 16, 2013 COMMISSION MEETING

10. RATIFICATION OF PAYROLL

Period 15	4 Checks: \$1,781.61	1,150 Total Deposits: \$1,467,946.79	Total: \$1,469,728.40
		Federal Payroll Taxes	Total: \$ 203,761.33

11. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JULY 23, 2013

Register No. 673	July 12, 2013	Direct Deposit:17218-17231	Total: \$ 1,794.48
Register No. 674	July 12, 2013	Check Nos. 182678-182691	Total: \$ 1,990.11
Register No. 675	July 12, 2013	Direct Deposit:17232-17246	Total: \$ 4,813.17
Register No. 676	July 12, 2013	Check Nos. 182692-182711	Total: \$ 4,637.10
Register No. 677	July 12, 2013	Check Nos. 182712-182770	Total: \$ 2,466.00
Register No. 678	July 15, 2013	Direct Deposit:17247-17247	Total: \$ 611.00
Register No. 679	July 15, 2013	Check Nos. 182771-182801	Total: \$ 351,250.98
Register No. 680	July 15, 2013	Direct Deposit:17248-17266	Total: \$ 5,420.65
Register No. 681	July 15, 2013	Check Nos. 182802-182841	Total: \$ 18,857.05
Register No. 682	July 16, 2013	Purchasing Cards 483-497	Total: \$ 5,177.75
Register No. 683	July 16, 2013	Check Nos. 182842-182871	Total: \$ 66,946.66
Register No. 684	July 17, 2013	Check Nos. 182872-182901	Total: \$ 96,018.95
Register No. 685	July 18, 2013	Purchasing Cards 498-501	Total: \$ 2,640.94
Register No. 686	July 18, 2013	Direct Deposit:17267-17275	Total: \$ 1,011.30
Register No. 687	July 18, 2013	Check Nos. 182902-182937	Total: \$ 119,574.82
Register No. 688	July 18, 2013	Direct Deposit:17276-17304	Total: \$ 58,524.20
Register No. 689	July 18, 2013	Check Nos. 182938-182998	Total: \$ 170,682.00
Register No. 690	July 19, 2013	Direct Deposit:17305-17308	Total: \$ 14,172.08
Register No. 691	July 19, 2013	Check Nos. 182999-183018	Total: \$ 15,120.31
Register No. 692	July 19, 2013	Direct Deposit:17309-17313	Total: \$ 698,694.20
Register No. 693	July 19, 2013	Purchasing Cards 502-517	Total: \$ 5,006.94
Register No. 694	July 19, 2013	Check Nos. 183019-183077	Total: \$ 243,448.77
Register No. 695	July 19, 2013	Check Nos. 183078-183135	Total: \$ 2,652.00
		Total:	<u>\$1,891,511.46</u>

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12. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JULY 30, 2013

Register No. 696	July 22, 2013	Direct Deposit:17314-17324	Total: \$	32,212.26
Register No. 697	July 22, 2013	Check Nos. 183136-183163	Total: \$	84,593.79
Register No. 698	July 23, 2013	Direct Deposit:17325-17325	Total: \$	4,612.03
Register No. 699	July 23, 2013	Purchasing Cards 518-518	Total: \$	6,812.98
Register No. 700	July 23, 2013	Purchasing Cards 519-530	Total: \$	3,591.49
Register No. 701	July 23, 2013	Check Nos. 183164-183223	Total: \$	209,502.14
Register No. 702	July 25, 2013	Direct Deposit:17326-17326	Total: \$	78.04
Register No. 703	July 25, 2013	Purchasing Cards 531-534	Total: \$	7,552.96
Register No. 704	July 25, 2013	Check Nos. 183224-183276	Total: \$	150,953.82
Register No. 705	July 25, 2013	Direct Deposit:17327-17337	Total: \$	734,507.34
Register No. 706	July 25, 2013	Check Nos. 183277-183290	Total: \$	173,706.59
Register No. 707	July 26, 2013	Direct Deposit:17338-17339	Total: \$	791.08
Register No. 708	July 26, 2013	Purchasing Cards 535-538	Total: \$	908.90
Register No. 709	July 26, 2013	Check Nos. 183291-183352	Total: \$	156,554.45
		Total:	\$	<u>1,566,377.87</u>

Consent Agenda Item Nos. 1 through 6, and 8 through 12 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

- 2. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTIONS 6-1-E-17 THROUGH 27, DEALING WITH IMPROVEMENTS AND BONDING FOR LARGE SCALE DEVELOPMENTS**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR AN MPC5502A COPIER, SERIAL NO. W542L500501, LOCATED IN THE PUBLIC WORKS DEPARTMENT, REPLACING AGREEMENT NO. 2012-673**
- 5. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY CRAIG CALL, ATTORNEY REPRESENTING JOHN W. AND ROBYN G. WALDEN RELATED TO PARCEL SERIAL NO. 59:044:0103**

The commissioners suggested that Regular Agenda Item No. 5 be continued for two weeks, to the August 13, 2013 meeting of the Board per request of the submitting department.

CONTINUED TO AUGUST 13, 2013

- 7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER RUSSELL BEETON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
- 8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER STAN CRAFT FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
- 9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER DENNIS DeGRAW FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**

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10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER TYLER GURNEY FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER RANDALL HENDERSON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER EVELYN JOHNSON FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEARING OFFICER DENISE LEWIS FOR REAL ESTATE CONSULTING VALUATION SERVICES DURING THE 2013 BOARD OF EQUALIZATION APPEALS PROCESS**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND AMERICAN FORK CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**

The commissioners suggested that this item be stricken from the agenda per request of the submitting department.
STRICKEN

15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND LEHI CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**

The commissioners suggested that this item be stricken from the agenda per request of the submitting department.
STRICKEN

16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND PROVO CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**

The commissioners suggested that this item be stricken from the agenda per request of the submitting department.
STRICKEN

17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENT WITH 3M COGENT, INC. FOR THE FINGERPRINTING MACHINE USED FOR SENIOR SERVICES AND NURSING DIVISIONS**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-653 WITH COMMUNITY HEALTH CONNECT FOR HEALTH-RELATED SERVICES**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-363 WITH THE UTAH DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR THE ARTHRITIS PROGRAM**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH AMERITECH COLLEGE FOR MEDICAL ASSISTANT EXTERNSHIPS WITH WIC**

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22. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE C-1 LOCAL HEALTH DEPARTMENT GRANT FY14 WITH THE UTAH STATE DEPARTMENT OF HEALTH FOR THE CHEC AND EARLY CHILDHOOD TARGETED CASE MANAGEMENT PROGRAMS**
23. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2006-316 WITH WEBER HUMAN SERVICES TO ALLOW ELECTRONIC PRESCRIPTIONS**
28. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GSH GEOTECHNICAL CONSULTANTS, INC. FOR A GEOTECHNICAL INVESTIGATION OF THE BUILDING SITE FOR THE NEW NORTH COUNTY SUBSTANCE ABUSE TREATMENT FACILITY**
29. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH OTIS ELEVATOR COMPANY FOR INSTALLATION OF SECURITY CAMERAS AND CARD READERS IN ELEVATORS IN THE UTAH VALLEY CONVENTION CENTER**
31. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT (BLM) TO TREAT APPROXIMATELY 62 ACRES OF BLM GROUND FOR NOXIOUS WEEDS IN EXCHANGE FOR PAYMENT OF \$7,500 AWARDED TO THE COUNTY FOR THESE SERVICES**
33. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE TO PROVIDE FUNDING FOR INVASIVE WEED SPECIES MITIGATION AROUND UTAH LAKE RELATED TO MAPPING AND EROSION CONTROL**
34. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE TO PROVIDE FUNDING FOR INVASIVE WEED SPECIES MITIGATION AROUND UTAH LAKE RELATED TO AERIAL SPRAYING AND EQUIPMENT COSTS**
35. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE TO PROVIDE FUNDING FOR THE SQUARROSE COOPERATIVE WEED MANAGEMENT AREA INVASIVE SPECIES MITIGATION PROGRAM**
36. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH JOEL S. HINKLEY FOR RACETRITO TO HAVE FIVE DEPUTIES SECURE NUMEROUS COUNTY AREAS ON AUGUST 24, 2013 FROM 8:00 A.M. TO 2:00 P.M.**
37. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH KELLY NIELSEN FOR SPANISH FORK 1/2 MARATHON & 5K TO HAVE ONE DEPUTY SECURE 1100 E 8800 S POWERHOUSE RD ON SEPTEMBER 14, 2013 FROM 7:00 A.M. TO 10:00 A.M.**
38. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CROSS MATCH TECHNOLOGIES FOR FINGERPRINT MACHINE MAINTENANCE THROUGH MAY 31, 2014**

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39. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING IN ASSOCIATION WITH THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE 2013 UTAH INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC) GRANT**
40. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH DOWNTOWN PROVO, INC.**

ACTIONS TAKEN

Consent Agenda Item No. 1 was approved and authorized; Nos. 2, 5, 6 and 9 were approved; Nos. 3 and 4 were abated; No. 7 was tabled for further discussion; No. 8 was adopted; and Nos. 10, 11 and 12 were ratified. Regular Agenda Item Nos. 2 and 23 were adopted; Nos. 3, 7 through 13, 17, 19 through 22, 28, 29, 31, and 33 through 40 were approved and authorized; No. 5 was continued to the August 13, 2013 meeting of the Board; and Nos. 14, 15 and 16 were stricken from the agenda.

AGREEMENT NOS.: 2013-504, 2013-505, 2013-506, 2013-507, 2013-508, 2013-509, 2013-510, 2013-511, 2013-512, 2013-513, 2013-514, 2013-515, 2013-516, 2013-517, 2013-518, 2013-519, 2013-520, 2013-521, 2013-522, 2013-523, 2013-524, 2013-525, 2013-526, 2013-527, 2013-528, 2013-529, 2013-530, 2013-531, 2013-532, 2013-533 and 2013-534

ORDINANCE NO.: 2013-9

RESOLUTION NOS.: 2013-82 and 2013-83

REGULAR AGENDA

(PULLED FROM CONSENT)

7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-12
Commissioner Anderson questioned the timing issue detailed in the first item on Recommendation Letter No. 2013-12, regarding Property Tax Serial No. 23:041:0163 belonging to Michael R. Patrick. There was some discussion regarding the Board's authority to override the technical aspect for fairness, as both he and Commissioner Ellertson were inclined to grant the appeal. Utah County Deputy Attorney David Shawcroft explained that a finding could be made regarding the best interest of the county.

Commissioner Anderson made the motion to abate the amount of taxes in excess of what the taxes would have been based on a value of \$3,750.00, and to re-compute the interest and penalty based on the new tax amounts; and abate the interest and penalty in excess of the new re-computed amounts, with the finding that such action would be in the best human interest and the interest of the State and the County. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

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The commissioners also had questions regarding Property Tax Serial No. 19:007:0124 belonging to Riverside Country Club Attn: Vic Devano, and suggested continuing this item for one week to the next meeting of the Board so the matter could be further researched.

Commissioner Anderson made the motion to continue the discussion and decision regarding Property Tax Serial No. 19:007:0124 registered to Riverside Country Club for one week to the August 6, 2013 meeting of the Board. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

The commissioners approved of the remaining actions contained in the letter as detailed.

Commissioner Ellertson made the motion to approve the Property Tax actions contained in Recommendation Letter No. 2013-12 with the exception of the two items noted above as detailed in Consent Agenda Item No. 7. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-535

REGULAR AGENDA

1. RECOGNIZE LAURA BLANCHARD FOR HER OUTSTANDING AND CONTINUOUS EFFORTS SERVING THE UTAH COUNTY CHILDREN'S JUSTICE CENTER

Commissioner Ellertson read the following resolution for the record:

- ▶ **WHEREAS** Laura Blanchard has worked tirelessly to establish and develop the Utah County Children's Justice Center and,
- ▶ **WHEREAS** in a recent Children's Justice Center Board meeting Laura Blanchard announced that she was retiring and,
- ▶ **WHEREAS** Laura Blanchard has a continuing interest in the Children's Justice Center she announced her desire to continue serving the Children's Justice Center as a volunteer to assist with the transitioning to and training of the acting director and the future appointed director and,
- ▶ **WHEREAS** the Children's Justice Center board members present approved a motion for the Board to recognize Laura Blanchard for her lengthy and dedicated service and,
- ▶ **WHEREAS** the Utah County Board of County Commissioners desires to express its appreciation to Laura for her service to the children and residents of Utah County,
- ▶ **IT IS HEREBY RESOLVED** that the Board of County Commissioners of Utah County, Utah, hereby **recognize and thank Laura Blanchard for her outstanding and continuous efforts serving the Utah County Children's Justice Center.** Laura is a quiet hero in the community who has never sought acknowledgment or accolades for her extensive work advocating for and serving children and families. Driven by her love and concern for children, Laura has been a champion in the fight against child abuse and protecting the rights of children. Laura was a moving force for the creation of the Utah County Children's Justice Center, which through her efforts, the organization has been able to offer and provide victim-centered services to hundreds of children and families in our community. During Laura's tenure as its Director, the Utah County Children's Justice Center has truly become a beacon among all of the Children Justice Centers within the State of Utah and other child advocacy centers throughout the country.

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Laura Blanchard thanked the Board for their recognition, and expressed appreciation for their support over the years. She acknowledged the Utah County Department Heads and employees, and the privilege of working with so many entities throughout her career for the sake of the children.

Commissioner Ellertson made the motion to adopt the resolution recognizing Laura Blanchard for her outstanding service to the Utah County Children's Justice Center as described in Regular Agenda Item No. 1. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

RESOLUTION NO. 2013-84

4. DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY DURAN LUCAS RELATED TO PARCEL SERIAL NO. 51:400:0029

Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office came forward to explain that Duran Lucas had filed a protest on behalf of Shaun Lucas, a bidder at the 2013 Delinquent Tax Sale held in May. Mr. Lucas purchased the property and is now requesting that the Board not ratify the sale. Commissioner Ellertson summarized that the property is not what the buyer thought it was. The County description did not show the parcel as a basin, and the buyers thought it was a lot that could be built upon.

Burt Harvey noted that Mr. Lucas had signed bidder registration forms indicating that the county cannot warrant any information regarding properties sold at the event. The conductor of the sale, Utah County Clerk/Auditor Bryan E. Thompson, also reiterated this fact several times throughout the sale; parcels are purchased at the buyer's own risk. Utah County Deputy Attorney David Shawcroft noted that the county makes no representations at all on any properties.

Commissioner Witney pointed out that the property sold for \$19,000, and the taxable value was \$47,000. Owed taxes were approximately \$2,400. Andrea Allen of the Utah County Recorder's Office presented a plat map to the commissioners for reference, reminding the Board that Bryan E. Thompson instructed the buying crowd multiple times during the auction that due diligence is the bidders' responsibility. Utah County Recorder Jeff mentioned that the plat did not designate the basin on the property, an error on the part of Provo City; David Shawcroft noted that research on the part of the buyer, either through a personal visit to the site or any aerial maps available online, would have shown the issue.

There was some discussion regarding whether or not the property should have been dedicated to Provo City, and Commissioner Witney asked about the benefits of the sale. David Shawcroft explained that the excess proceeds could be claimed by the property owner. The concern is whether it is more equitable to set aside the sale, which could potentially be a windfall for the delinquent taxpayer at the expense of the winning bidder.

Commissioner Ellertson made the motion to approve the tax sale protest filed by Duran Lucas related to Parcel Serial No. 51:400:0029 as defined in Regular Agenda Item No. 4. The motion was seconded by Commissioner Witney, and discussion continued.

Because there was lack of a second, Commissioner Witney briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

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The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2012-536

6. RATIFY ALL OR PORTIONS OF THE 2013 ANNUAL DELINQUENT TAX SALE PER UTAH COUNTY CODE 21-5-7

The commissioners noted that Regular Agenda Item Nos. 4 and 5 from today's calendar were directly related to this ratification of the 2013 Annual Delinquent Tax Sale. With the approval of the Tax Sale Protest filed by Duran Lucas in Item No. 4, and the requested continuance of the Tax Sale Protest filed by Craig Call to the August 13, 2013 agenda in Item No. 5, these two related items would be omitted from the ratification of the sale as discussed.

Commissioner Ellertson made the motion to ratify the 2013 Annual Delinquent Tax Sale, with the exception of Line Item Nos. 33 (Serial No. 51:400:0029) and 45 (Serial No. 59:044:0103) as specified in Regular Agenda Item No. 6. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-537

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE PORTABLE RESTROOM AGREEMENT WITH UNITED SITE SERVICES FOR THE WELL4LIFE "SQUIRT THE SASQUATCH" 5K RUN TO BE HELD AUGUST 10, 2013

There was some discussion between the commissioners, Utah County Health Department Executive Director Dr. Joseph K. Miner, and Utah County Purchasing Agent Julie Rollins regarding an existing agreement for portable restrooms, and the difference between the contract already in place to this request for "deluxe" restrooms. The commissioners suggested a continuation for one week until those questions could be answered.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 18 regarding the portable restroom agreement with United Site Services for the Well4Life "Squirt the Sasquatch" 5K Run to the August 6, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

CONTINUED TO AUGUST 6, 2013

24. APPROVE OR DENY A REQUEST FROM THE HOLLY & BRONCO MENDENHALL FOUNDATION TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$200.00 FOR USE OF PORTIONS OF THE PROVO RIVER PARKWAY, SOUTH FORK ROAD, NORTH COUNTY BLVD, AND THE MURDOCK CANAL TRAIL, FOR THE "HERO RIDE" TO BE HELD AUGUST 31, 2013

Utah County Public Works Director Richard Nielson described the bicycle ride course, which has been altered and no longer will include portions of the North County Boulevard or the Murdock Canal Trail. The commissioners noted this as part of their motion for approval.

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Commissioner Anderson made the motion to waive the \$200 event permit fee for the Holly & Bronco Mendenhall Foundation for use of portions of the Provo River Parkway and South Fork Road for the "Hero Ride" to be held August 31, 2013 as discussed in Regular Agenda Item No. 24, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-538

25. APPROVE OR DENY A REQUEST FROM ST. MARKS LUTHERAN CHURCH AND THE UTAH COUNTY VETERANS SERVICE ORGANIZATIONS TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$200.00 AND TO LOWER THE LIABILITY INSURANCE REQUIREMENT TO \$1,000,000 PER-OCCURRENCE FOR USE OF A PORTION OF THE PROVO RIVER PARKWAY FOR THE "VETERANS VOLKS WALK" TO BE HELD SEPTEMBER 13 AND 14, 2013

There was some discussion between the commissioners and Utah County Civil Division Chief Attorney E. Kent Sundberg regarding liability insurance requirements and the governmental immunity maximum before Deputy Attorney Paul Jones mentioned that the insurance portion of this request from St. Marks Lutheran Church and the Utah County Veterans Service Organizations could be handled administratively; only the waiver of the event permit fee would need a vote by the Board. The commissioners noted this as part of their motion for approval.

Commissioner Ellertson made the motion to waive the \$200 event permit fee for St. Marks Lutheran Church and the Utah County Veterans Service Organizations for use of a portion of the Provo River Parkway for the "Veterans Volks Walk" to be held September 13 and 14, 2013 as detailed in Regular Agenda Item No. 25, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-539

26. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH AMERICAN CHILLER MECHANICAL SERVICE, LLC FOR REPAIR OF A CHILLER IN THE HEALTH AND JUSTICE BUILDING

Utah County Public Works Director Richard Nielson commented that the repair work has already been performed, noting that the funds could be transferred within the Buildings budget for specific line items.

Commissioner Ellertson made the motion to approve and authorize the agreement with American Chiller Mechanical Service, LLC for repair of a chiller in the Health and Justice Building as outlined in Regular Agenda Item No. 26. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-540

27. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GSBS ARCHITECTS FOR THE HISTORIC COURTHOUSE PHASE TWO: ROOF AND PARAPET PROJECT, AND THE WEST STAIRS PROJECT

Utah County Public Works Director Richard Nielson clarified the parameters of the project for Commissioner Anderson, including architect and building cost estimates.

Commissioner Anderson made the motion to approve and authorize the agreement with GSBS Architects for the Historic Courthouse Phase Two: Roof and Parapet Project, and the West Stairs Project, as identified in Regular Agenda Item No. 27. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-541

30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2011-90 WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR LEASE OF OFFICE SPACE IN THE HEALTH AND JUSTICE BUILDING

Commissioner Anderson made the motion to table the amendment to Agreement No. 2011-90 with the Utah Valley Chamber of Commerce for lease of office space in the Health and Justice Building as described in Regular Agenda Item No. 30. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

32. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES TO PROVIDE FUNDING FOR THE UTAH LAKE SHORELINE RESTORATION PROJECT YEAR 5 FOR TREATMENT OF PHRAGMITES AND OTHER INVASIVE WEED SPECIES

When Commissioner Witney pointed out questions raised by the Utah County Clerk/Auditor's Office regarding budget transfers, cost centers, and required matches for this grant, Utah County Public Works Director Richard Nielson referred to the recently added responses within the online agenda request system. The State of Utah has requested this contract.

Commissioner Ellertson made the motion to approve and authorize the grant agreement with the Utah Department of Natural Resources, Division of Wildlife Resources to provide funding for the Utah Lake Shoreline Restoration Project Year 5 as defined in Regular Agenda Item No. 32. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-542

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At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

42. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN

44. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY
STRICKEN

45. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 42, 44 and 45 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

41. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

42. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

1. PRESENTATION BY COUNTY SEAT TV COVERING PAST PROGRAMMING AND FUTURE TOPICS

Chad Booth, Executive Producer of *County Seat TV*, received a welcome from the commissioners and presented each with a printed copy of the Second Quarter Summary for Season 3 of the show. They have covered topics including Mental Health, Collaborative Tourism, Tax Sales, County Budgets, Noxious Weeds, Public Lands, and more. Mr. Booth talked about the schedule for the show, air dates, and the constant search for fresh information to provide to the public. He mentioned the importance of honestly addressing unpleasant topics before the facts become buried in controversy or speculation.

More information regarding County Seat TV, including past episodes, can be found at their website: <http://thecountyseat.tv/>, and notes related to the presentation are attached to these minutes.

2. OVERVIEW OF THE 2013 LARRY H. MILLER TOUR OF UTAH PRO CYCLING RACE

Todd Hageman came forward to speak about the annual Tour of Utah pro-cycling race, now entering its ninth season in the state. It has grown immensely, now recognized internationally as one of the largest events in the United States and recruiting teams that have participated in the Tour de France and other high-profile races. Mr. Hageman spoke about the process in preparing for and executing such a large race and showed a video for the audience (can also be viewed at <http://www.vimeo.com/71160384>). The commissioners expressed interest and excitement for the opportunities to be involved with such a renowned organization, and thanked Mr. Hageman for his presentation.

More information regarding the 2013 Tour of Utah can be found at their website: www.tourofutah.com.

PUBLIC COMMENTS

Robyn G. Walden came forward to comment regarding Regular Agenda Item No. 5. Ms. Walden came from Florida to address the Tax Sale Protest filed for Property Serial No. 59:044:0103. Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office clarified that the winning bidder had requested the item be continued for two weeks, to the August 13, 2013 meeting of the Board, and Ms. Walden noted that she would still be in town at that time to discuss the matter.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:39 A.M. to go into closed meetings. The public meeting reconvened at 11:12 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 30 at this point.

REGULAR AGENDA

30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2011-90 WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR LEASE OF OFFICE SPACE IN THE HEALTH AND JUSTICE BUILDING

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Commissioner Anderson noted that the Board had asked the Utah Valley Chamber of Commerce to change office space, and had stated rent would remain the same for the remainder of the lease ending in the year 2016.

Commissioner Anderson made the motion to approve and authorize the amendment to Agreement No. 2011-90 with the Utah Valley Chamber of Commerce for lease of office space in the Health and Justice Building as specified in Regular Agenda Item No. 30. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-543

*Please refer to the final page of these minutes for additional notations.

This concluded the open meeting.

Commissioner Anderson made the motion to adjourn the July 30, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:13 A.M. The minutes of the July 30, 2013 Commission Meeting were approved as transcribed on August 6, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 30:

The commissioners addressed Regular Agenda Item No. 30 regarding an amendment to Agreement No. 2011-90 with the Utah Valley Chamber of Commerce following the closed session meetings, and approved the item by unanimous vote.

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant